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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,394	07/01/2003	Javier Valero Moreno	63865.000002	9369

21967 7590 04/10/2007

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EXAMINER	
HARPER, TRAMAR YONG	
ART UNIT	**PAPER NUMBER**
3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/609,394	VALERO MORENO, JAVLER	
	Examiner	Art Unit	
	Tramar Harper	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/01/03, 02/05/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 15-16 are objected to because of the following informalities: Claims 15-16 are method claims dependent on an apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to whether or not the applicant is claiming one amusement machine ("an amusement machine") or a plurality of amusement machines ("players using the amusement machines"). Appropriate correction is required.

Claims 15-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 15-16 are method claims dependent on an apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tillery et al (US 5,114,155).

Claim 1: Tillery discloses a amusement system that comprises of a plurality of dart amusement machines remotely linked via a network to a central control device/center. Multimedia information/data relative to the conduct of play and performance of the players on the amusement machines are captured and transmitted to the central control center. The central control center polls at relative time delays information from the amusement machines and calculates the current standings or results of the players (Abstract, Col. 2:12-Col. 3:5).

Claim 3: Tillery discloses that the amusement machine comprises of computer-assisted refereeing devices. For example, rather than a player computing their own scores the amusement device does it for them (Col. 2:44-46).

Claim 5: Tillery discloses that the Central Control Device comprises of a monitor for monitoring game play (Col. 3:48-56).

Claim 6: Tillery discloses that the amusement machines that comprise of a portable video monitor for receiving information regarding game play from the central computer (Abstract, Col. 5:40-45).

Claims 1, 3, and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Miguel et al (US 5,593,349).

Claim 1: Miguel discloses a amusement system that comprises of a plurality of dart amusement machines remotely linked via a network to a central league device. Multimedia information relative to the conduct of play such as player names, teams,

events, etc. and performance of players such as the game results on the amusement machines are captured and transmitted to the league machine in real time. The league machine calculates the current standings, team play information, etc. and transmits it to the amusement machines (Abstract, Col. 5:19-26, Col. 6:18-24, Col. 7:1-15, Col. 15:60-Col. 16:14, Col. 19:1-7).

Claim 3: Miguel discloses that the amusement machine comprises of computer-assisted refereeing devices. For example, rather than a player computing their own scores the amusement device does it for them (Col. 6:50-60).

Claim 5: Miguel discloses that the central computer comprises of a monitor for monitoring game play (Col.15:40-49).

Claim 6: Miguel discloses that the amusement machines comprise of two displays for receiving information regarding game play from the central computer (Col. 6:50-Col. 7:15).

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wexler et al (US 5,489,886).

Claim 1: Wexler discloses a tennis game with play components and a video capture means to collect images related to the conduct of play or performance of players using the amusement machine. Images are collected via a network to a central processing system, wherein referees review the images to determine results based on the conduct of play or performance of the players (Abstract, Col. 5:5-30).

Claim 2: Wexler discloses that the multimedia information includes at least one video camera for capturing images (Col. 5:5-30). Furthermore, a referee receives and sends

audio signal indicating results of play via public announcement system and central processing system (inherently includes microphone and speaker (Col. 8:28-30, Col. 7:28-30). The central processing system comprises of a processor to store, manage, and transmit the multimedia information and/or data captured.

Claim 3: Wexler discloses the use of two or more video cameras (computer assisted refereeing devices) for determining "in" and "out" boundary calls during game play (Abstract).

Claim 5: Wexler discloses that the refereeing center or central processing system comprises of a monitor for a referee to give officiating results and game boundary images (Col. 5:20-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillery et al (US 5,114,155).

Claim 8: Tillery discloses all the limitation with respect to Claims 1 and 5, but fails to disclose the monitor as being a flat screen monitor. However, Applicant has not disclosed that the monitor as a flat screen monitor is for a particular purpose or solves any stated problem. One of ordinary skill in the art, furthermore, would have expect Tillery's monitor, and the applicant's monitor to perform equally well with any type of

monitor, whether a flat screen or not. Therefore, it would have been prima facie obvious to modify Tillery with a flat screen monitor because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Tillery.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miguel (US 5,593,349).

Claim 8: Miguel discloses all the limitation with respect to Claims 1 and 5, but fails to disclose the monitor as being a flat screen monitor. However, Applicant has not disclosed that the monitor as a flat screen monitor is for a particular purpose or solves any stated problem. One of ordinary skill in the art, furthermore, would have expect Miguel's monitor, and the applicant's monitor to perform equally well with any type of monitor, whether a flat screen or not. Therefore, it would have been prima facie obvious to modify Miguel with a flat screen monitor because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Miguel.

Claim 9: Miguel discloses the limitations with respect to Claims 1 & 6, but excludes a monitor that protrudes with respect to the vertical plane of the machine. Miguel discloses a display on the upper portion of the dart game that provides a visual indication of individual scores such that the player can determine scores quickly and easily (Col. 4:1-15). However, Applicant has not disclosed how having the monitor protruding from a vertical plane solves any stated problem or for any particular purpose. One of ordinary skill in the art, furthermore, would have expected Miguel's upper

monitor, and applicant's protruded upper monitor to perform equally well whether the monitor protrudes or not. Therefore, it would have been prima facie obvious to modify Miguel with a monitor that protrudes because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Miguel.

Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wexler et al (US 5,489,886) in view of Bednarz et al (US 5,294,912).

Claims 4 & 7: Wexler discloses the above limitations with respect to claim 1, but excludes using a laser emit light to delimit a player or a game boundary. Wexler discloses capture image data related to ball play with respect to game boundaries (see above). Bednarz discloses a laser boundary foul indicated to detect the when a player crosses a game boundary (Abstract). Bednarz discloses that such a foul indicator helps prevent judges from making inaccurate calls or errors in foul calls and provide further emphasis to the player of such boundaries (Col. 1:24-55). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the game play/boundary capturing of Wexler with the laser boundary delimiting of Bednarz to prevent less errors and provide further emphasis on the boundaries (see above).

Claims 10-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miguel (US 5,593,349).

Claim 10: Wexler discloses an amusement machine with a plurality of computer assisted refereeing devices connected or networked to a central processing refereeing center. The computer assisted refereeing devices comprises of a plurality of cameras

position to capture a plurality of images related to game play and more particularly to game boundaries and ball play. There is also a global camera that views the whole tennis court playing field including players and play components. All images are transmitted to the central processing center, wherein the referee observes the results and make decisions relative to the result of play based on the said images (Abstract, Col. 5:5-30, Col. 6:12-30). Furthermore the decisions based on the images are transmitted to the respective players verbally and displayed if necessary (Col. 7:25-31, Col. 8:28-30). Wexler discloses the claimed invention except for a plurality of amusement machine network together encompassing the above invention. It is well known in the art to have tennis tournaments and it would have been obvious to one having ordinary skill in the art at the time the invention was made to network a plurality of amusement machines, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 11: The performance of play is inherently refereed in real time.

Claim 12: The game of tennis encompasses two players in competition on different sides of the court.

Claim 13: The decision of the referee has to come with some sort of time delay considering that the images are not transmitted instantly.

Claims 14, 17: The decision of the referee is based on the result of the transmitted images captured and received by the central processing system (Col. 5:25-30, Col. 8:28-30, Col. 7:28-30).

Allowable Subject Matter

Claims 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Soltys et al (US 2003/0096645), Harmath (US 2002/0122115), Vaioli et al (US 5,683,080), and Nauck (US 5,413,345) all teach similarly structured systems that use cameras to capture game play.

Remedio et al (US 4,910,677) teaches a smaller master game devices networked to a central game device for communicating results relative to game play.

Mowers et al (US 5,626,523), Kaenel (US 4,302,010), and Kaenel () all teach bowling alleys with automated bowling systems, wherein the game device of each respective lane transmits results to the central amusement system.

Hodsdon et al (US 7,005,970) teaches and officiating system with challenge play features.

Fowler et al (US 6,149,529) teaches a sports amusement system that comprises of beam boundaries and play or objection challenges.

Anderson (US 6,371,860) teaches the use of a foul line or boundary indicator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH 3/30/07

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER